

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**Roanoke Division**

KELVIN E. BROWN, #207902,

Plaintiff,

v.

Civil Action No. 7:09cv00180

TRACY S. RAY, *et al.*,

Defendants.

**MOTION FOR SUMMARY JUDGMENT**

COME NOW the Defendants Tracy S. Ray, Warden, L. Fleming, Major, and T. Pease, Mailroom Supervisor, (hereinafter collectively referred to as "Correctional Defendants"), by counsel, pursuant to Rule 56, Federal Rules of Civil Procedure, and respectfully move this Honorable Court for summary judgment as to Claims # 2-6 for the reasons set forth in the Memorandum in Support accompanying this Motion.

Respectfully Submitted,

TRACY S. RAY,  
L. FLEMING  
T. PEASE

By \_\_\_\_\_ /s/ \_\_\_\_\_  
Counsel

Richard C. Vorhis, SAAG, VSB #23170  
Attorney for Defendants  
Office of the Attorney General  
Public Safety and Enforcement Division  
900 East Main Street  
Richmond, Virginia 23219  
Phone: 804-786-4805  
Fax: 804-786-4239  
[rvorhis@oag.state.va.us](mailto:rvorhis@oag.state.va.us)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of September, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following: N/A

And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Kelvin E. Brown, #207902  
Red Onion State Prison  
Post Office Box 1900  
Pound, Virginia 24279

/s/

Richard C. Vorhis, SAAG, VSB #23170  
Attorney for Defendants  
Office of the Attorney General  
Public Safety and Enforcement Division  
900 East Main Street  
Richmond, Virginia 23219  
Phone: 804-786-4805  
Fax: 804-786-4239  
[rvorhis@oag.state.va.us](mailto:rvorhis@oag.state.va.us)